

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

VINCENT HERBERT,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/10/2020

No. 20-CR-453 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

A review of the docket reveals that the instant criminal action was commenced in December 2019; Defendant Vincent Herbert is charged with two counts of violating 18 U.S.C. § 921(g)(1) and (2) – *i.e.*, possessing ammunition after having previously been convicted of a crime punishable by imprisonment for a term exceeding one year; Defendant has been detained since his arrest at the Orange County Correctional Facility since his arrest on December 3, 2019; a status conference is scheduled for January 14, 2021; and Defendant wishes to enter a guilty plea pursuant to a negotiated plea agreement and advises the Court that resolution of this case will help facilitate the likely resolution of a pending Violation of Supervised Release case pending before the Honorable Kenneth M. Karra (15-cr-285).

In light of the ongoing Coronavirus Disease 2019 (“COVID-19”) pandemic, Defendant’s desire to resolve this matter without a trial as quickly as possible, the potential to expedite resolution of a parallel pending criminal case against Defendant, Defendant’s increased risk of exposure to COVID-19 as a result of the close quarters in which prisoners are incarcerated at Orange County Correctional Facility, the exposure of COVID-19 to others if an in-person change of plea were required, and in order to comply with social distancing protocols and the directives provided by the Chief Judge of the United States District Court for the Southern District of New York to limit in-person court appearances due to the risk presented by COVID-19, it is the Court’s determination that in order to prevent serious

harm to the interest of justice, Defendant Vincent Herbert can and should be permitted to change his plea by video teleconference or by telephone conference before this Court or a Magistrate Judge of this Court pursuant to the CARES Act § 15002(b)(2)(A).

Accordingly, it is hereby ORDERED that the plea hearing for Defendant Vincent Herbert be conducted by video teleconference or by telephone conference (if video conference is unavailable) before this Court or a Magistrate Judge at a date and time mutually convenient to the Court and all parties concerned. The Clerk of Court is requested to terminate the motion at ECF No. 34.

Dated: December 10, 2020
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue rectangular background.

NELSON S. ROMÁN
United States District Judge